



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,833	12/27/2001	Anna Dahlstrom	1115.41014X00	9831
20457	7590	01/14/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			AILES, BENJAMIN A	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,833

Applicant(s)

DAHLSTROM, ANNA

Examiner

Benjamin A Ailes

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-7 have been examined.
2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Priority

3. The papers required in order receive an earlier effective filing date have been received. The effective filing date for the subject matter defined in the pending claims in this application is 12/29/2000.

Drawings

4. The drawings received on 12/27/2001 are acceptable for examination proceedings.

Specification

5. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. See page 1 of specification, lines 22 and 25.
6. The disclosure is objected to because of the following informalities: The specification should not reference to the claims. See page 3 of specification, lines 18-25. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (U.S. 5,878,384), hereinafter referred to as Johnson et al.

9. Regarding claims 1, 6, and 7, Johnson et al. disclose a method of storing information in a multimedia integrated receiver decoder arranged to be used with the Multimedia Home Platform standard, said method comprising the following steps:

- Interpreting user commands input to said integrated receiver decoder (col. 3, lines 11-28 and col. 4, lines 20-60, specifically lines 20-26 and 48-51),
- Collecting said user commands (col. 3, lines 11-28 and col. 4, lines 20-60, specifically lines 48-51),
- Saving said user commands as data items in a database (col. 3, lines 11-28 and col. 6, lines 32-39), and
- Making said data items accessible to computer applications run on said integrated receiver decoder by means of an Application Program Interface (col. 3, lines 11-28 and col. 4, lines 20-60, specifically lines 31-34).

10. Regarding claim 2, in accordance with claim 1, Johnson et al. disclose the method comprising the additional step of:

- Downloading an agent application adapted to access said data items through said Application Program Interface (col. 5, lines 6-18).

11. Regarding claim 3, in accordance with claim 2, Johnson et al. disclose the method wherein said additional step of downloading comprises using said data items to facilitate the operation of said integrated receiver decoder (col. 5, lines 19-44).

12. Regarding claim 4, in accordance with claim 2, Johnson et al. disclose the method wherein there is provided for denying access to said data items for agent applications (col. 5, lines 45-67 and col. 6, lines 32-46).

13. Regarding claim 5, in accordance with claim 1, Johnson et al. disclose the method wherein said data items comprise any of the following user information:

- What TV programs are watched, the genre of programs being watched, what kind of commercials the viewer prefers, how long programs the viewer watches, which sites on the Internet the viewer visits, which programs the viewer records, which programs the viewer saves for long term, and which parts of the program the viewer watches (col. 1, lines 29-33, col. 2, lines 5-12 and 48-51, and col. 3, lines 60-63).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lewis (U.S. 5,612,730) disclose an interactive system for a closed cable network.

Art Unit: 2142

McKenna et al. (U.S. 4,546,382) disclose a television and market research data collection system and method.

Komuro (U.S. 6,195,678) disclose a remote resource management system for automatically downloading required files from application server depending on contents of selected files on requesting computer.

Carino, Jr. et al. (U.S. 6,085,223) disclose a method and apparatus for providing database information to non-requesting clients.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes, whose telephone number is (571)272-3899. The examiner can normally be reached on Monday-Friday (7:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached at (571)272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703)872-3906.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2142

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [benjamin.ailles@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Benjamin Ailes
Patent Examiner
Art Unit 2142


JACK B. HARVEY
SUPERVISOR, PATENT EXAMINER